

FEDERAL COMMUNICATIONS COMMISSION

Enforcement Bureau

9330 LBJ Freeway, Suite 1170

Dallas, Texas 75243

Hutchinson, County of
P.O. Box 850
Stinnett, TX 79083-0850

File No.: **EB-03-DL-137**

Released: **July 17, 2003**

NOTICE OF VIOLATION

1. The FCC's Dallas Office has determined that you, as the registered owner (#1217957) and licensed user (WPGE757, WPHV240, WPKG738, WPKT491, WPRT499 & WPWU762), are responsible for the following violations of FCC Rules regarding your authorized transmitter location and registered antenna structure located in the Stinnett, Texas area at or near geographical coordinates 35° 50' 39"N / 101° 26' 47"W.

- a. 47 C.F.R. § 1.923(c): Antenna locations: . . . Geographical coordinates, referenced to NAD83, must be specified in degrees, minutes, and seconds to the nearest second of latitude and longitude. Station licenses WPGE757, WPHV240, WPKG738, WPKT491, WPRT499 & WPWU762 (and antenna structure registration 1217597) list the geographical coordinates as 35° 50' 45"N / 101° 26' 14"W. VIOLATION: On May 29, 2003, the transmitter site for these authorized stations was determined to be at or near geographical coordinates 35° 50' 39"N / 101° 26' 47"W, a disparity of approximately six seconds of latitude and 33 seconds of longitude (a distance of approximately 2100 feet).
- b. 47 C.F.R. § 17.50: Antenna structures requiring painting under this part shall be cleaned or repainted as often as necessary to maintain good visibility (of the required bands of paint). Antenna structure registration 1217597 lists the structure as 97.5 meters in height with a requirement to be painted and lit in accordance with FCC paragraphs 1, 3, 12, and 21. VIOLATION: On May 29, 2003, you had failed to repaint this structure as often as necessary to maintain good visibility. The painting on this antenna structure was extremely deteriorated reducing the visibility of the structure and obscuring the bands of aviation orange and white paint.

2. As the antenna structure owner and licensed user, you are ultimately responsible for compliance with the Commission's Rules governing antenna structures.¹

3. Pursuant to Section 1.89 of the Commission's Rules, 47 C.F.R. § 1.89, you must submit a written response to this Notice to the address in the letterhead within 20 days of the release of this Notice. Include a statement of the specific action(s) taken to correct and preclude recurrence of each violation. If you have not completed all corrective actions by the time your reply is due, provide the date you will complete each action. Mark all replies and documentation with the file number specified above.

¹ See 47 U.S.C. §303(q), 47 C.F.R. §§17.2(c) and 17.6

4. Failure to respond to this Notice constitutes a separate violation that could result in additional penalties, including monetary forfeiture. Any statement or information you provide may be used by the Commission to determine if further enforcement action is required.

FEDERAL COMMUNICATIONS COMMISSION

James D. Wells
District Director

LRB